

**ZOAM-2007-0003**

**PLANNED-DEVELOPMENT MIXED USE BUSINESS ZONING DISTRICT**

**Staff Summary of Planning Commission Public Hearing  
September 17, 2007**

**PUBLIC SPEAKER COMMENTS**

**Mr. Ed Gorski**, speaking on behalf of the Piedmont Environmental Council (PEC), supports the MUB concept, particularly as it relates to Route 50. He stated that the proposed district goes a long way in meeting the goals of the Route 50 Task Force of creating a gateway into Loudoun County and working towards the consolidation of the smaller properties that will allow the implementation of the limited access status of Route 50. He identified the following issues:

- He stated the desire for phasing recommendations, similar to what was approved with the "One Loudoun Center" rezoning, to ensure that the employment uses and the residential and commercial uses track together - so that you don't get one use being built far in advance of the other uses.
- As the Board has opened up the PD-MUB to make it available in other areas of the County, besides the Route 50 corridor, it is recommended that prior to using the zoning district to permit the potential conversion of land, which is currently exclusively planned or zoned for employment uses to land zoned to permit a mix of residential and non-residential uses, that the County complete a comprehensive market location and needs analysis of the non-residential uses in the suburban policy area.

**Mr. Larry Lehman**, a project manager for M.C. Dean Company, is highly supportive of an incentive based mixed use business development approach. M.C. Dean is proposing development on their CLI zoned property. He stated that the proposed district doesn't uniformly apply to the majority of the parcels that front on Route 50. While some parcels can benefit from the proposed district, others are excluded because they don't meet the proposed 25 acre minimum district size. He stated that the proposed Ordinance will not achieve the objective of transforming Route 50 to an attractive gateway because the small, infill parcels are denied comparable development opportunities. Therefore, they are limited to using the CLI district regulations, which greatly limits a parcel's development potential due to:

- Competing constraints of permissible uses;
- Building height limitations; and
- Excessive setbacks.

He stated that there are other concerns that make the proposed district a poor fit for the smaller CLI parcels and mentioned the following:

- The mandatory residential component;
- The required minimum 40% employment office use; and
- The very large, central plaza.

Mr. Lehman recommended that the County provide incentive based development for all parcels, large and small, along Route 50 to transform the corridor into a high quality gateway. One such approach may be a dual track ZOAM using the proposed PD-MUB for parcels 25 acres and larger and a revised CLI Special Exception (SPEX) process for the smaller CLI zoned parcels.

**Mr. Bob Hess** stated that he is in the process of developing 5 contiguous parcels that have 1200 feet of frontage along Route 50 and are 600-800 feet deep. He is proposing a PD-TC district that has a lot of the requested elements of a mixed use development. He noted the following issues with the proposed PD-MUB:

- The minimum district size of 25 acres would prevent him from applying for a PD-MUB, although his proposed development provides many desired components of a mixed use development.
- The size of his development would make it difficult to meet the required mix of uses and believes a credit should be given to residential uses adjoining the site in meeting the required minimum use mix.
- Structured parking should not count towards FAR and required land area.

**Mr. Gary Schafer** handed out a letter from Lou Canonico, of Christopher Consultants and a past member of the Economic Development Commission (see attached). Mr. Schafer spoke to some of the items included in Mr. Canonico's letter, to include:

- The minimum district size of 25 acres is too large. He recommends that the minimum size be 10 acres with an FAR incentive included for a district of 25 acres or larger.
- The land use mix should be based on floor area rather than land area, which will make it easier to calculate a vertical mix of uses.
- A definition of a full service hotel, that specifies the uses associated with such a use, should be considered.
- The proposed maximum yards may not be appropriate along collector and arterial roads.
- The Airport Impact Overlay District (65 ldn) prohibits residential uses, which should be taken into consideration regarding the minimum required residential uses proposed for the district.

**Mr. Scott Plein**, who was not present at the hearing, submitted a letter to Commissioner Munsey, which was distributed to the PC at the hearing (see attached).

## **PLANNING COMMISSION COMMENTS AND REQUESTS**

### **Before the Public Speakers:**

**Commissioner Whitmore** requested information regarding the distribution of various parcel sizes in the Route 50 Study Area. (It is noted that AKRF did provide a break down of the various parcel sizes in their Task 1 Report. Staff is also working on obtaining a break down of sizes for the existing CLI parcels, as this may be helpful in the discussion of the district size.)

**Commissioner Whitmore** asked whether the district size requirement could be modified and whether there were any limits to the size when requesting such a zoning ordinance modification. Staff responded that the district size could be modified and that there was no specified district size limit when requesting a modification. Staff did clarify that the use mix requirements could not be modified, as currently drafted, which could impact the ability to reduce the district size beyond a certain size.

**Commissioner Ruedisueli** requested further consideration to allow contiguous additions of less than 5 acres, so that smaller slivers of land, regardless of size, could be allowed to join the district.

**Commissioner Ruedisueli** recommended that a grid street system be required, rather than encouraged as an incentive by allowing private streets. He also recommended that interconnections between parcels be required.

**Commissioner Volpe** requested a written document that provides the difference between a Town Center, a Business Community and a Mixed Use Business District.

### **After the public speakers:**

**Commissioner Ruedisueli** requested that Staff and the consultant take a holistic approach to the district - to incorporate uses that are in existence and in close proximity of a proposed PD-MUB district and allow such uses to count towards providing the required overall mix of uses.

**Commissioner Munsey** stated that the CLI owners have told her that they don't want to hold up the PD-MUB district, but they don't want to be put on the shelf in having additional CLI amendments proposed to address their stated concerns. She noted that the call for the PD-MUB district originated from the Route 50 Task Force as a means of providing opportunities for higher quality development for properties along the Route 50 corridor. She requested that the Commission kick off a SPEX/public process for the smaller, CLI parcels and to allow the CLI owners to have input on what the process might be, to address some of the expressed concerns.

**Commissioner Hsu** agreed with Commissioner Munsey and stated that the discussion of the SPEX for the CLI needs to be done hand-in-hand with the PD-MUB amendment, as the two would need to work together.

**The Motions:**

Commissioner Klancher moved that the amendment be forwarded to Committee. This motion passed 8-0-1 (with Commissioner Syska absent for the vote).

Chairman Klancher further moved that the Commission direct staff to:

1. Prepare text for the Commission's consideration to put in place an Intent to Amend the Ordinance by adding the SPEX (for the CLI); and
2. Establish a framework for discussion items to be used in the development of the SPEX policy which will allow some of the individual CLI lots to be developed in a smaller version of the MUB; and
3. Request direction from the Board of Supervisors to allocate staff time to implement these 2 recommendations.

Commissioner Munsey amended the motion to have input from CLI owners prior to drafting the language for the suggested SPEX.

The motion passed 8-0-1 (with Commissioner Syska absent for the vote).

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September 5, 2007

Loudoun County Board of Supervisors,

Please accept the following comments for consideration in your analysis of the Mixed Use Business District Zoning Ordinance review.

My mother, Arlean Hill and I own a 16 acre parcel zoned CLI on the south side of Rt. 50 within the Business District of East Gate. For more than three years, we have followed and participated in most of the public hearings involving the Rt. 50 Task Force -- the East Gate CPAM and re-zonings as well as and the Arcola/Rt. 50 CPAM and re-zonings. We have consistently offered our support for all of the Recommendations that were derived from the Rt. 50 Task Force Final Report. As I have stated more than once publicly, I believe the creation of the Rt. 50 Task Force to address challenging issues along the Rt. 50 Corridor was nothing short of brilliant. I applaud Supervisor Snow and the rest of the Board for their vision, wisdom and direction throughout the past three years as the Task Force initiatives have made their way through the process.

I remember in the early meetings of the Task Force, everyone spoke of the goal to create a "Gateway" look into Loudoun County with beautiful landscaping and unified architecture. You would often here people saying: "We do not want it to look like Rt. 50 in Fairfax or Rt. 1 in Alexandria"; no one wanted to see strip shopping centers on every corner plastered on small lots all the way up the corridor. Yet, by the time the Task Force was created, the horse had already left the barn. Many properties along the corridor had already been assembled and plans were already being drawn up. Fortunately, the Task Force Final Report was published in sufficient time and managed to influence a few major development efforts along the corridor. To date, the Board has adopted the Rt. 50 Landscaping Requirements, the Arcola/Rt. 50 CPAM, and the Rt. 50 Architectural Guidelines which were all key recommendations of the Task Force Final Report. However, there is one key recommendation remaining to be adopted; the creation of a Mixed Use Business (MUB) District zoning ordinance. The creation of this (MUB) is extremely important especially along the Rt. 50 corridor; the County has to find a way to encourage the consolidation of smaller CLI parcels if it wants to avoid "Cookie Cutter" strip commercial/retail centers from showing up all along the roadway. Further, by encouraging consolidation, the County can inspire a new trend in development along the corridor.

In the Task Force Recommendations final report, the creation of a MUB was one of the key recommendations discussed as an incentive to motivate CLI property owners to bring their properties online with a development plan. In doing so, the vision for the "Gateway to Loudoun" along Rt. 50 might be realized sooner than later. I agree with some CLI property owners who believe this MUB draft misses the mark in providing a realistic solution/option for all of the CLI property owners along

Route 50. Personally, I am also concerned about the options available for our property should we need to submit an individual (stand alone) parcel application as a CLI site. Frankly, our options would be very limited given that the East Gate CPAM overlays our district. Yes, we could build by right, but build what? It surely wouldn't be as attractive as if it were planned in coordination with an adjacent property owner into a larger site with expanded options. Therefore, it seems as though more work needs to be done with the CLI zoning ordinance to offer more options for properties that do not lend themselves to consolidation or to CLI property owners who simply wish to develop their property as a stand alone site.

The real questions are: (1) Does the Board believe this MUB is consistent with their vision for the type of development they would like to see along the Rt. 50 corridor or in other areas of the county? (2) Does the Board believe the incentives will be enough to encourage consolidation of smaller CLI parcels? (3) Does the Board believe more time should be invested in expanding options under the current CLI zoning ordinance. (4) Which should be pursued first (2) or (3), or can there be a compromise?

For the record, I support this MUB district zoning ordinance but, offer the following comments:

1. It doesn't seem as though this MUB District will provide an immediate benefit to many of the smaller CLI property owners whose property will not lend itself to consolidation. Therefore, there still needs to an effort to explore additional options/incentives in the existing CLI ordinance. If these options are offered through the special exception process, then the County could still expect the applicants to make normal rezoning contributions as well as conform to the Rt. 50 Landscaping Requirements and Architectural Guidelines. Though this is a completely separate item than the MUB District ordinance, maybe there is a way to expedite a CLI amendment.
2. Creating a new MUB District ordinance is extremely important. Even if consolidation only works in one or two areas along Rt. 50, there will still be a major benefit to the County and to the residents in the Dulles South communities. This could also help some of the smaller CLI properties which are located in close proximity to these projects. We all have seen what happens to the opportunities with infill properties once major development is established within a district. I would love to own a 2 to 5 acre commercial property in Alexandria, Tysons Corner, Reston, Springfield or near Fairfax Corner. Each step towards improving development opportunities in the corridor is a step in the right direction. It is my belief that a new MUB District has to be created before extensive options are offered under the CLI zoning ordinance. Otherwise, consolidation incentives could become less attractive as smaller CLI property owners are allowed build out to most of the standards offered in a new MUB district.
3. AKRF is on the right track in their attempt create incentives for property consolidation. There are a few properties within the study area which would be ideal for a larger Mixed Use project if they were consolidated. With larger projects, developers should have an easier task mixing uses and creating the sense of place necessary to make these types of projects successful. The fact that there are only limited opportunities for the larger consolidations within the study area is a good thing; you wouldn't want to see a mixed use site on every corner.
4. I do not agree with the language in the draft that allows for the contiguous additions of a minimum of 5 acres to an existing MUB district. Realistically, the County is going to get a

better project out of an application which is planned at the same time. Property owners should not be allowed to wait for their neighbor to complete a rezoning and simply join on later with the same benefits as the neighbor. Besides how will the county have any control over the proffer packages and timing/phasing of development applications? Also, during the public hearings on the Arcola/Rt. 50 CPAM, the BOS made it clear they would only consider single entity applications when multiple property owners were joining together to get use bonuses or density credits. The same should be true with this MUB district. If the property owners can't work it out in the beginning, what makes anyone believe they will work it out when it comes time to meet proffer or performance requirements?

5. While I believe there should be an opt-in period to achieve this MUB zoning designation, it should not be automatic. Applicants should still be required to submit Concept Development Plans for review and conform to other proffer standards already established. AKRF offers good ideas on how the county might handle process incentives.
6. Speaking specifically to the draft, the consultant's opportunity areas and maps should be modified. The maps are very confusing. For almost three years now, we have been referring to these areas as Segments One thru Three; with Segment One starting at the Fairfax County line identified as East Gate and Segment Three referred to as Arcola on the north side of Rt. 50. It is feasible that Segment Three could be broken into several opportunity areas but, the consultant should try to maintain some consistency with the Task Force Reports in their presentation. Also, they should have used updated maps that reflect recent Transportation improvements passed and adopted by several CTP Amendments. Again, it will help to provide clarity in their analysis and will serve to highlight problem areas as well as opportunity areas.
7. The "Minimum Use Percentages" are not useful as they are defined. I believe there were several good suggestions made by stakeholders regarding use percentages and how they might be applied to various projects. The way the minimum use percentages are defined in the draft appears to be very restrictive and wouldn't lend itself to creating uniqueness in design or creating projects which are market specific. I can think of at least three different ways a Mixed Use Project could be planned that doesn't conform to these standards. For example: A Mixed Use Entertainment project might contain 50% commercial retail/restaurants/hospitality, 25% office/employment, 10% public open space and 15% residential; or no residential at all but have more office or public civic uses. What about a Mixed Use Commercial Office project or a Mixed Use Retail project. The use matrix in a Mixed Use project is far too dynamic to attempt to define in such restrictive terms. I believe the term: "Mixed Use Business" needs to be more broadly defined. I offered a suggestion in my response to the questionnaire to define it as a: Mix of three or more of the permitted uses with no more than one use consuming more than 50% of the entire site with no single supporting use making up no more than 33% of the site.
8. I think the FAR and DU allocations should be defined and calculated differently too. I'm not a planner so I'll leave this to others. However, if you are going to mix vertically and offer unique residential products which can also be considered affordable or work force housing, I think the du/acre should be at least 24 DU/acre or higher. I know there is a problem with this at this stage of the game but, it should be considered.

9. Building heights should allow for six stories. Now, whether that height is 60ft, 70ft or 80ft, I do not know; but again, it should be considered.
10. The FAR bump incentives are favorable as they are defined in the draft. This ordinance has to maintain a way to encourage/reward those who consolidate smaller CLI parcels into a larger plan no matter how challenging it may seem.
11. Overall, AKRF did well putting this draft ordinance together given the short period of time. However, I believe it would be helpful if they include pictures or illustrations of other Mixed Use districts in their presentation. Recently, I attended a public forum on the Prince George's County Landover Gateway Mixed Use Zoning Proposal. Wow! The presentation of the materials and explanations for product type was outstanding but, it was the visuals that stole the show. There were illustrations of site plan designs and pictures of other Mixed Use projects from local markets. This made it easy for the public, County Staff, County Planning Commissioners and Council Members to visualize exactly what was possible with this site.

In summary, this MUB zoning effort is a step in the right direction and I believe with a few modifications there is still an opportunity for significant benefits to CLI property owners, Loudoun County Government, and most importantly, to residents already living in the corridor. If consolidation of smaller parcels can be achieved and larger sites are planned, this MUB could also provide the opportunity to create great tourist destinations.

***A. Thomas McKay***

Thomas McKay, Brooks Farm





**christopher consultants**  
engineering · surveying · land planning

September 17, 2007

Mr. Robert J. Klancher  
Chairman  
Loudoun County Planning Commission  
1 Harrison Street, S.E.  
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RE: Draft PD-MUB Zoning District

Dear Mr. Klancher:

Unfortunately I will not be able to attend the Planning Commission's Public Hearing on the proposed draft of a new zoning district which is entitled Planned Development-Mixed Use Business District (PD-MUB). It is my understanding that one of the primary motivations for the County to develop this zoning district was as a possible replacement zoning for the existing Commercial Light Industrial (CLI) Zoning District, which currently only exists along the Route 50 corridor. I further understand that the proposed PD-MUB will not be restricted to this area and could be used anywhere in Loudoun County, pursuant to the General Plan.

I believe in writing the PD-MUB Zoning District so it could be used throughout the County, it has potentially made the district less inviting and thus less of a meaningful alternative to the CLI District. I have had a significant amount of experience dealing with CLI zoned properties in the Route 50 Corridor, both in my capacity as Vice President of christopher consultants, and also as a past member of the County's Economic Development Commission. I was also very involved with the Route 50 Task Force, which looked at the ultimate development in the entire Route 50 Corridor, with a specific eye towards to CLI Zoning District. Based on this background and experience, I feel that I have a keen knowledge and understanding of the current shortcomings of the CLI Zoning District, as well as the economic development goals that Loudoun County has for the Route 50 Corridor. It is with this knowledge, understanding and insight that I present the following comments.

First and foremost, it is disappointing to me that the County did not use the opportunity of writing a new zoning district for a mixed use business district to introduce a form based zoning code, rather than remaining with the standard Euclidean zoning code requirements. While the draft dated August 15, 2007 includes some of the parameters of a form based zoning code, it still has far too many Euclidean type zoning requirements which hamper design creativity and, I believe, will ultimately restrict both the property owners and the County from achieving the ultimate goals envisioned for the mixed use business district. I understand that the County has invested a significant amount of time and money in developing the current draft of the PD-MUB Zoning District; therefore, if it is the intent of the County to continue to move forward with this zoning district as drafted, I would offer the following specific comments:

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Section 4-1352. This section indicates that the minimum district size for a PD-MUB district shall be 25 acres. My concern is that this minimum district size is too large, especially for the currently zoned CLI properties. While I understand that the intent of the district size may have been to provide an incentive for CLI property owners to consolidate their properties, it has been my experience that many of the property owners of smaller parcels wish to retain their independence for development purposes. As such, the current owners of CLI property that are less than 25 acres will view this as a disincentive, rather than as an incentive.

Since the PD-MUB District will be available for use outside of the currently zoned CLI properties, I understand the need to have a reasonable minimum district size. I would recommend that the minimum district size be changed from 25 to ten acres in this section of the ordinance, and that the County provide additional incentives of consolidating more property in section 4-1359(C), "FAR Incentives". If the district size is reduced to ten acres, then the necessary size for continuous additions to the district should be reduced from five to two acres.

Section 4-1353(B). Number 1 currently reads that banks or other financial uses without drive-thru's would be permitted in the district. The County has allowed drive-thru's by-right in other zoning districts pursuant to the performance criteria in Section 5-659 of the Zoning Ordinance. In order to be consistent with other zoning districts, this section of the ordinance should be revised so as to allow drive-thru's pursuant to Section 5-659 of the Zoning Ordinance.

Section 4-1353(C). Currently, the only allowed residential use in the district would be multi-family dwellings. If larger tracts of land are consolidated under the PD-MUB Zoning District, it would be advantageous to allow a mix of residential type units within the development. I would recommend that for PD-MUB Zoning Districts containing 50 acres or more, some single-family attached dwelling units should be allowed as part of the residential mix.

Section 4-1355(A). In my mind, this one section of the PD-MUB is the fatal flaw to the ordinance that would preclude achieving the goal of a vertical integration and mix of uses in a development. This section of the ordinance seeks to control the amount of uses based on the land area devoted to those uses. This section of the ordinance is basically the same as the land use matrices that are found in the County's General Plan. Since this section of the ordinance seeks to control the amount of uses by land area, it will promote a segregation of uses, rather than an integration of uses in the same buildings. I don't understand how this section can be administered in terms of a vertical mix of uses. For instance, if a building were to include commercial uses on the first floor, employment uses on the second floor, and residential uses on floors above the second floor, how would the land area of each of these uses be calculated?

Rather than tying the percentages listed in this section of the ordinance to land area, I would recommend the percentages for items number 1, 2, and 3 be based on percentages of allowable floor area, which could be dedicated to those uses. If the percentages are going to be tied to floor area, I would recommend that the percentages be adjusted such that employment uses would account for minimum of 70 percent of the floor area, commercial uses could account for a minimum of ten percent of the floor area, and residential uses could account for up to 20 percent of the floor area. I would make this section flexible enough such that if an applicant chose to reduce the amount of residential floor area, then the amount of commercial floor area could be increased by a corresponding amount, i.e., if the residential floor area was reduced to 15 percent then the

commercial floor area could be increased to 15 percent. In addition, I would recommend that uses in subparagraphs (4) and (5) be combined and that it be required that the total of these uses must equal a minimum of 15 percent of the land area of the district. It should be further indicated that in order for land area to count towards parks or open space credit, the land must be under the control of a public entity, a homeowner's association or a lot owner's association. I believe this method of controlling uses and ensuring adequate open space would better achieve the design goals anticipated by the Route 50 Task Force.

Section 4-1355(B). This section of the ordinance would restrict the use of on-street parking being counted towards meeting required parking to those on-street spaces within 400' of the subject principle use. This is more restrictive than the current Zoning Ordinance, which allows off-street parking within 500' of the principle use to be counted. Since one of the tenets of the PD-MUB is to promote a pedestrian friendly environment, and one of the elements of a pedestrian friendly environment is on-street parking, this section of the ordinance should be less restrictive in terms of being able to count on-street parking to meet parking requirements. I therefore recommend that the 400' distance be increased to 800', which is in essence half of a normal block length.

Section 4-1356(B)(1). This section of the ordinance starts out by saying see Section 5-900 for arterial and collector roads in terms of required setbacks. Section 5-900 of the Zoning Ordinance gives specific setbacks for certain major roads, primarily the arterial roads in the County. I would recommend that there be a lead in paragraph to subsection (B), which basically refers the applicant to Section 5-900 for setbacks from specific roads and the W&OD Trail. This will ensure that any parcels within the PD-MUB district that have frontage on one of the specified roads in Section 5-900, will be required to meet this section of the ordinance in terms of setbacks. In addition, there should be a subsection to the yards which indicates that the setbacks from major collector roads regardless of whether it is a front, side or rear yard, should be 25'. This will also ensure a reasonable setback along major collector roads within the PD-MUB. If this change is made then the words "see Section 5-900 for Arterial and Collectors" can be removed from subparagraph (1).

Section 4-1358(B)(2). This entire section is repetitive. These requirements are covered in Section 5-1413 of the Zoning Ordinance.

Section 4-1359(C)(1). If the minimum district sizes that I have recommended above are adopted, then this first FAR adjustment should be allowed if the minimum district size is above ten acres.

Section 4-1359(C)(4)(i). Based on recent work on hotel related projects, it has come to my attention that the use of the term "full service" is both confusing and not subject to any specific definition. I would therefore recommend that this section of the Ordinance be rewritten to say "hotel, to include at least two of the following in house services; a sit down restaurant, meeting rooms, exercise room, ballroom, or other such amenities as approved by the Board of Supervisor."

Section 4-1359(C)(4)(iv). As written, this section of the Ordinance seems to be too restrictive. It is recommended that this section of the Ordinance be rewritten to read "theatre, indoor, limited to live performances."

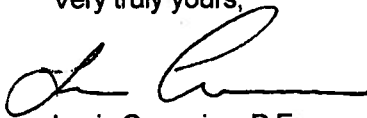
Section 4-1359(C)(5)(iii). I would recommend that the "wet" be inserted in front of the word "pond" in the first line of this section of the Ordinance.

Mr. Robert J. Klancher  
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Section 4-1360. Access from major roads. Based on the geometrics of many of the arterial roads in the County and their parallel roads, not allowing individual lots to have direct access to a major collector road is too restrictive. As long as individual lots access major collector roads at planned median breaks, then the County should not have an issue as to whether the access is to an individual lot or not. I recommend that this language be changed to read "No individual lots created after adoption of this Ordinance shall have direct access to an arterial roadway."

While I'm not sure, even with the recommended changes as outlined above, that the PD-MUB District will truly meet the purpose and intent as envisioned by the Route 50 Corridor Task Force, I understand that the County, at this time, may not chose to make wholesale revisions to this proposed Ordinance. I do believe the changes, as I have recommended above, will go a long way in improving the district and hopefully will bring it closer to the goals anticipated by many both in terms of providing a replacement district for the CLI Zoning District. It may also prove to be an inviting enough district so as to bring life and vitality to other under utilized employment districts throughout the County. I would be happy to meet with you and/or other members of the Planning Commission or members of your staff to discuss these recommendations in greater detail.

Very truly yours,



Louis Canonico, P.E.  
Regional Vice President

LC/dml



September 17, 2007

Ms. Barbara Munsey  
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**Re: Mixed-Use Business Zoning District**

Dear Barbara,

Thank you for taking the time to listen to my thoughts regarding the recent draft for a new Mixed- Use Business Zoning District in Loudoun County. As you are aware, the impetus for creating this new district was from the efforts and deliberations of the Route 50 Task Force. The Task Force specifically recommended in its various communications with both Loudoun County staff and Loudoun County's many public servants that those lands currently zoned CLI along Route 50, in the eastern section of the Dulles South District, needed to have the opportunity to "opt" into a more flexible use scenario whereby the goals and recommendations of the Task Force could be more realistically achieved. Those goals in short included advanced landscape and set back criteria, architectural guidelines, interconnectivity of individual properties with reduced direct access to Route 50, and in general development of properties within the corridor that was more akin to contemporary standards of good community planning than the generally arcane standards inherent in the current CLI zoning standards. Furthermore, the Task Force recommended that in order to attain such design standards and open the corridor to a better mix of uses, the county should allow for more retail and tourism related uses within this same corridor. Accordingly, higher economic value would create an incentive for the land owner to choose the "opt" in program and thus create an overall more aesthetically pleasing, community-oriented Route 50 corridor. Hence was born the effort whereby the county contracted for a consultant to write a new zoning ordinance which could hopefully meet the goals and ambitions of the Route 50 Task Force's recommendations.

Unfortunately as all too often happens with good intentions, the task at hand took on new and different proportions once it was approved as an action by the Board of Supervisors i.e. the Mixed Use Business District ordinance was moved from addressing the limited realm of Route 50 Corridor/CLI District, to an ordinance that would be applicable county wide. While this is an important tool that I fully support as an asset to Loudoun County's future land planning and land use efforts, it will only address a limited number of potential development and redevelopment sites along Route 50, and not address some of the most current and pressing land use opportunities that the county now or will soon have before it. These opportunities I am referring to are the many smaller i.e. 2 – 10 acre properties that have begun land use applications or plans, or that will do so in the next 12–18 months. While these properties are not conducive to a self-contained full mixed-use planning program they can be part of a larger land use vision that will

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**Ms. Barbara Munsey**  
**Loudoun County Department of Planning**  
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provide for the goals that we all seek for a better Route 50 corridor. But to do so, in my opinion, will require a separate approach that will allow for current landowners to work with an expanded CLI zoning ordinance.

What I mean is this:

1. The CLI ordinance currently has many regulations that promote, or for that matter promulgate, the exact opposite development patterns that today's good planning methods propose, and that the Task Force envisioned.
2. The mix of uses within the CLI ordinance are extremely limited, and hence sterile with respect to providing effective mixed use business communities to service Dulles South's growing residential population.
3. The current Special Exception possibilities pursuant to the CLI ordinance are some what encouraging, but due to the restrictions alluded to in #1 above and the relative difficulty in obtaining approval for such expansion beyond non CLI core uses i.e. allowing for significantly increased retail, creates little incentive for a landowner to seek such Special Exceptions and offer the conditions that would provide for some of the goals pursuant to the Route 50 vision.

My proposal:

1. Create a new section within the Special Exception section of the CLI Zoning ordinance that is specifically written to achieve the goals of the Route 50 Task Force.
2. This section would clearly provide for a give/take approach to land use allowances in exchange for strict adherence to a specific performance goals including landscape design guidelines, architectural guidelines, transportation contribution amounts based on land use type, set backs, etc.
3. With respect to land uses and the promotion of mixed use approaches to CLI parcels both self contained and as a compliment to neighboring properties, this Special Exception section would guarantee several benchmarked uses as a minimum or maximum. For instance when adhering to the guidelines as presented in # 2 directly above the applicant would be assured that he or she, could obtain a minimum of 35% retail, but the county would be assured that the project would provide for a minimum of 50% office (employment) with the balance being in some form of open space/community space etc. Furthermore the construction of the uses would need to be performed concurrently i.e. for every 3.5 ft of retail, 5 ft of office would have to be constructed concurrently.

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4. Finally, if the applicant were able to meet the criteria set forth in this section of the CLI-Special Exception ordinance in a "check off" fashion, then the applicant could be assured of an accelerated approval process i.e. 3 months.

With all this said Barbara, most important to my point is that we need to fast track a solution to provide CLI landowners a strong incentive to seek a different level of use and criteria, so that Route 50 can obtain the look and appearance that not only the Route 50 Task Force envisioned, but that so many others in the county did as well. And this cannot be done with the currently proposed Mixed Use Business zoning ordinance draft. Don't get me wrong, keep the Mixed Use Business effort going. It is good for the county and a tremendous opportunity for several properties on the Route 50 corridor, but it is not the only solution needed. It needs to be complimented by a paralleled tracked amendment to the CLI Special Exception process with many of the same criteria embedded. Many will say this can not be done because of some regulation or crazy systemic glitch in the process that will stand in the way. If so, let's find out what the same is and deal with that as well while we are at it. A lot of people rightfully expect great things along Route 50. It is ripe for the type of development that will be economically beneficial to the county and provide for excellent community building for our residents and business owners. This was the vision in my opinion, of the Route 50 Task Force and we should settle for nothing less.

One final note of disclosure. As you know I hold ownership interests in several parcels of land in the Route 50 corridor, specifically within the East Gate planning area. One of my partnerships is currently in the process of requesting Special Exceptions pursuant to the CLI zoning ordinance, and would be aided by the suggestions I have made, but so would the county and the greater community. Also, as you know I was a Co-Chairman of the Section 1 Route 50 Task Force Group and am a member of the Board of Directors for the Dulles South Business Alliance. Please be advised that I am in no way speaking on behalf of either group or organization.

As always thanks for your time and interest.

Respectfully,



Scott C. Plein  
Principal

SP/sac